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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,047	10/17/2001	Mark Maggenti	000211D4	6084

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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

NGUYEN, THUAN T

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,047

Applicant(s)

MAGGENTI ET AL.

Examiner

THUAN T. NGUYEN

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/17/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Remark

1. Claims 21-25 were canceled in the amendment dated 9/20/04. Pending claims are claims 1-20.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Lekven et al. (U.S. Patent No. 5,884,196/ or “Lekven” hereinafter).

Regarding claim 1, Lekven discloses a method for putting an inactive net in a group communication network into a dormant mode, the method comprising determining whether the net has been inactive for a predetermined time period; and causing the net to enter the dormant mode if it is determined that the net has been inactive for the predetermined time period (Figs. 1-4 with comm. Manager 40 for controlling the net, and col. 5/lines 12-64 for on how the net controller realizes or recognizes whether there is a need for entering a dormant mode for saving power of communication devices within the net; col. 6/lines 10-30 for a predetermined time period is detected for causing the net including inactive devices going into the dormant mode;

and col. 12/line 62 to col. 13/line 23 for the base station controls to put all the remote units within the network of PTT in the dormant mode, not one single unit, at the same time).

As for claims 2-6, Lekven further teaches the necessary steps needed for causing including ordering each participant communication device in the net or all the remote units within the network to enter the dormant mode (Figs. 2-4; and col. 12/line 62 to col. 13/line 23).

Regarding claim 7, Lekven further discloses a method for bringing a net in a group out of a dormant mode, the method comprising receiving a floor control request from a participating communication device in the net; and bringing the net out of the dormant mode if the request is granted (col. 12/lines 15-61).

As for claims 8-14, Lekven further discloses these limitations for bringing the net out of the dormant mode, and receiving wake-up commands from the participating communication devices including registration processes and the floor control request from a push-to-talk (PTT) device (Figs. 3-4, and col. 12/lines 15-61).

As for claims 15-20, in the same scope of claims 1-14 above, Lekven discloses an exact system and method for a push-to-talk communication device to participate in a group communication net over a distributed network; within the communication system, including a controller and its method for registering and re-registering the users within the net by determining whether the user would like to join as participants in a net within a group communication network or not, for instance, allowing or unregistering the user to engage in the group communication, by sending a message to a communication device for determining whether the communication wishes to stay a participant in the net and listing the communication device as a participant in the net if the communication device responds or sends a response

within a predetermined time period; including of a dormant mode, wherein the group communication net is capable of offering, as a user is being detected for inactive for a period of time and a technique for reactivate the standby mode or dormant mode as with the user's activation prompting the controller to activate the group communication net and based on that detection, the system monitors and determine which net is active or inactive; and wherein the group communication system including a (group) controller to manage the group communication net and interfacing with push-to-talk communication device including transmitter and receiver to send and receive data, further including a user activated mechanism for user to activate the transmitter or the push-to-talk communication device for transmitting the data (PTT button is used for activating the push-to-talk communication) as well as the communication device is wireless, including a memory within the wireless device, further including a priority service such that the priority is dynamically configurable in a manner that an interruption can occur for users with more priority requests (see Figs. 1-4, col. 6/lines 10-31, and col. 9/line 37 to col. 13/line 23 for the entire process of causing the net comprising PTT devices go into a dormant mode based on predetermined time out period and some threshold values; and the wake up or get out of the dormant mode as one or more participating communication device activates or requests a communication command, or namely, floor-control request, for causing the net goes back to an active mode or communication mode).

Response to Arguments

4. Applicant's arguments filed on 9/20/04 have been fully considered but they are not persuasive.

Applicants argue on only one issue that Lekven does not teach a method and apparatus is caused an entire net in a group communication network to enter into a dormant mode; meanwhile, applicants admit that Lekven only teaches for a single remote unit to enter a dormant mode. The Examiner believes applicants are in error with this statement, and he invites the applicants take a closer look in Figures 3 and 4 again, and in column 12, line 62 to column 13, line 23, as also previously pointed out in the office action, as Lekven clearly states that the base station monitors, controls and commands all the remote units (within the PTT network as entire reference is referred to the push to talk system) to be in dormant mode at the same time, and the command for dormant mode can be even in a longer or smaller time slot duration from the base station.

Therefore, the Examiner disagrees with the Applicants' argument and stands with the rejection as previously disclosed and explained again in this Final office action.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II,

2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

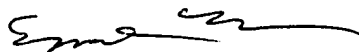
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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (703) 308-5860. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

Tony T. Nguyen
Art Unit 2685
January 21, 2005


EDWARD F. URBAN
SUPERVISORY ENGINEER
TECHNOLOGY CENTER 2600